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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JOSHUA HAWKINS,

Plaintiff,

vs.

RUSSELL, et al.,

Defendants.

Case No. 3:18-cv-00605-MMD-WGC

**ORDER GRANTING MOTION FOR  
EXTENSION OF TIME TO FILE  
DISPOSITIVE MOTION  
(FIRST REQUEST)**

Defendants Justin Henley, Kevin Johnson, Edward Peterman, and Perry Russell, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Peter E. Dunkley, hereby submit this Motion for a 43-day Extension of Time, until September 4, 2020, to file a dispositive motion.

This Motion is based on Federal Rule of Civil Procedure 6(b)(1)(A), the following Memorandum of Points and Authorities, and all papers and pleadings on file in this action.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

In light of the administrative obstacles at the Office of the Attorney General (OAG), related to the response to COVID-19, which has affected the responsiveness of communications and the ability to efficiently compile documents and evidence, Defendants request the extension.

Defendants respectfully request a forty-three (43) day extension of time from the current deadline of July 23, 2020, to file a dispositive motion on or before September 4, 2020.

## **II. ARGUMENT**

Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

“The district court is given broad discretion in supervising the pretrial phase of litigation....” *Zivkovic v. S. California Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002) (citation omitted).

Defendants assert that the requisite good cause is present to warrant the requested extension of time. This request has been necessitated by ongoing quarantine measures imposed in response to the COVID-19 virus pandemic. Defendants make the instant request in light of the current issues related to COVID-19 including Nevada Governor Sisolak’s March 31, 2020 Declaration of Emergency (Directive 010) – ‘Stay at Home Order’ and the Governor’s April 1, 2020 “Stay at Home” directive. In response, the Office of the Attorney General (OAG) has directed all AOG employees to comply with the Governor’s directives and orders. The OAG is limiting (and in some instances, restricting completely) in-office work, and instructing employees to stay at home and to work from to the extent possible, while and until the OAG, and the Nevada information technology staff are able to more fully implement alternate, home-based working arrangements. As a result, the already limited staff at the OAG is rendered less efficient due to constraints imposed by limited Virtual Private Networks (VPN) and lack of remote document access. In light of Governor’s directives, the OAG’s policy, and due to the functional difficulties the instant circumstances place on accessing and obtaining the necessary supporting documents, including correspondence between the OAG and Defendants, Defendants respectfully

request that the Court extend the dispositive motion deadline by 43 days, until September 4, 2020.

Defendants' request is timely and will not hinder or prejudice Plaintiff's case, but will allow for the OAG to have sufficient time to obtain documents and communicate with defendants in order to move for summary judgment. Defendants will not oppose any request by the Plaintiff for an extension of time to respond to the dispositive motion.

For these reasons, Defendants respectfully request a forty-three (43) day extension of time from the current deadline to file a dispositive motion, with a new deadline up to and including Friday, September 4, 2020.

### III. CONCLUSION

For these reasons, Defendants respectfully requests a forty-three (43) day extension to the current dispositive motion deadline.

#### Proposed Schedule for Dispositive Deadline

Current Dispositive Motion Deadline	July 23, 2020
Proposed Dispositive Motion Deadline	September 4, 2020

DATED this 23rd day of July 2020.

AARON D. FORD  
Attorney General

By: /s/ Peter E. Dunkley  
PETER E. DUNKLEY, Bar No. 11110  
Deputy Attorney General

*Attorneys for Defendants*

**IT IS SO ORDERED:**

*William G. Cobb*

**UNITED STATES MAGISTRATE JUDGE**

**DATED:** July 24, 2020